

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Francesca Chery	Team: Squad #14	CCRB Case #: 202201047	<input type="checkbox"/> Force <input checked="" type="checkbox"/> Discourt. <input type="checkbox"/> U.S. <input checked="" type="checkbox"/> Abuse <input type="checkbox"/> O.L. <input type="checkbox"/> Injury
Incident Date(s) Tuesday, 02/15/2022 5:30 PM	Location of Incident: § 87(2)(b)	18 Mo. SOL 8/15/2023	Precinct: 33
Date/Time CV Reported Fri, 02/18/2022 1:47 AM	CV Reported At: CCRB	How CV Reported: On-line website	Date/Time Received at CCRB Fri, 02/18/2022 1:47 AM

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Witness(es)	Home Address
§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. PO Charlie Ruizreyes	25922	964266	032 PCT

Officer(s)	Allegation	Investigator Recommendation
A . PO Charlie Ruizreyes	Discourtesy: Police Officer Charlie Ruizreyes spoke discourteously to § 87(2)(b)	§ 87(2)(b)
B . PO Charlie Ruizreyes	Abuse: Police Officer Charlie Ruizreyes threatened § 87(2)(b) with the use of force.	§ 87(2)(b)
C . PO Charlie Ruizreyes	Abuse: Police Officer Charlie Ruizreyes refused to provide his name to § 87(2)(b)	§ 87(2)(b)
D . PO Charlie Ruizreyes	Abuse: Police Officer Charlie Ruizreyes refused to provide his shield number to § 87(2)(b)	§ 87(2)(b)
E . PO Charlie Ruizreyes	Discourtesy: Police Officer Charlie Ruizreyes spoke discourteously to § 87(2)(b)	§ 87(2)(b)

### Case Summary

On February 18, 2022, § 87(2)(b) filed the following complaint with the CCRB via the online website on behalf of himself and his colleague, § 87(2)(b).

On February 15, 2022, at approximately 5:30 p.m., § 87(2)(b) was working as a security officer at the § 87(2)(b) § 87(2)(b) located at § 87(2)(b) § 87(2)(b) in Manhattan. Off-duty Police Officer Charlie Ruizreyes of the 32<sup>nd</sup> Precinct, came to the hospital to visit a patient while accompanied by an unidentified female off-duty member of service. Supervising Security Officer § 87(2)(b) Supervising Security Officer § 87(2)(b) Security Officer § 87(2)(b) Security Officer § 87(2)(b) and hospital employee § 87(2)(b) were also present in the hospital lobby. PO Ruizreyes firstly spoke with Security Officer § 87(2)(b) in the lobby, who denied PO Ruizreyes's request to visit the patient due to the hospital's COVID-19 visitor policy. PO Ruizreyes requested that Security Officer § 87(2)(b) make an exception for him given his position as a police officer and flashed his NYPD identification card to him. Security Officer § 87(2)(b) did not do so, and in response PO Ruizreyes said, "this is gonna bite you in the ass" and told Security Officer § 87(2)(b) "You don't wanna see me outside" (**Allegations A: Discourtesy, § 87(2)(g) Allegations B: Abuse of Authority, § 87(2)(g)** Security Officer § 87(2)(b) requested that PO Ruizreyes further identify himself and PO Ruizreyes replied, "I don't have to do that" (**Allegations C and D: Abuse of Authority, § 87(2)(g)** PO Ruizreyes pointed to Security Officer § 87(2)(b) and called him a "criminal and a perp" (**Allegation E: Discourtesy, § 87(2)(g)** Supervisory Security Officers § 87(2)(b) and § 87(2)(b) ultimately escorted PO Ruizreyes out of the hospital building and he left the location without additional incident.

No arrests or summons resulted from this incident.

As he was off-duty, PO Ruizreyes was not equipped with body-worn camera (BWC) at the time of the incident.

### Findings and Recommendations

**Allegation (A) Discourtesy: Police Officer Charlie Ruizreyes spoke discourteously to § 87(2)(b).**

**Allegation (B) Abuse of Authority: Police Officer Charlie Ruizreyes threatened § 87(2)(b) with the use of force.**

**Allegation (C) Abuse of Authority: Police Officer Charlie Ruizreyes refused to provide his name to § 87(2)(b).**

**Allegation (D) Abuse of Authority: Police Officer Charlie Ruizreyes refused to provide his shield number to § 87(2)(b).**

Security Officer § 87(2)(b) testified (BR 01) that on the date of the incident, he was working at the lobby front desk when PO Ruizreyes approached with an unidentified woman who remained silent throughout the incident. Security Officer § 87(2)(b) informed PO Ruizreyes that he would not be able to visit anyone due to hospital visitation policy as the patient PO Ruizreyes wanted to see already reached the maximum number of visitors for the day. PO Ruizreyes asked Security Officer § 87(2)(b) to make an exception for him because he was an officer, flashed his NYPD identification card, and stated that the woman accompanying him was also a police officer. Security Officer § 87(2)(b) maintained that he had to enforce the hospital policy. PO Ruizreyes immediately became disrespectful and irate, questioned why there was no exception for the NYPD, and requested to speak to a supervisor. Security Officer § 87(2)(b) agreed to call his supervisor and walked away from PO Ruizreyes, who followed along and called Security Officer § 87(2)(b) "broke" and a "nobody" and said, "This is gonna bite you in the ass." PO Ruizreyes also told Security Officer § 87(2)(b) "you don't wanna see me outside," which Security Officer § 87(2)(b) perceived as a threat to physically fight with him. PO Ruizreyes then asked Security Officer § 87(2)(b) for his ID and Security Officer § 87(2)(b) replied, "If you claim to be an NYPD officer, then you have to identify

yourself.” PO Ruizreyes responded with, “I don’t have to do that.”

Security Officer § 87(2)(b) (BR 02) and Security Officers § 87(2)(b) (BR 04) who were also present in the hospital lobby, provided testimony that was generally consistent with Security Officer § 87(2)(b) regarding PO Ruizreyes’ response to the hospital’s visitation policy. Security Officer § 87(2)(b) overheard PO Ruizreyes tell Security Officer § 87(2)(b) that he was a “robo cop” and something along the lines of making no money. Security Officer § 87(2)(b) and Security Officer § 87(2)(b) both testified that PO Ruizreyes also said, “this is going to bite you in the ass.” Security Officer § 87(2)(b) also acknowledged that PO Ruizreyes said something along the lines of “you don’t wanna see me outside” whereas Security Officer § 87(2)(b) did not recall. Security Officer § 87(2)(b) and his colleagues tried to calm PO Ruizreyes down; however, PO Ruizreyes disregarded them and continued to complain loudly about the visitation policy. At some point, Security Officer § 87(2)(b) heard Security Officer § 87(2)(b) say something to the effect of “I asked you for your ID, but you never showed me your ID; I don’t even know who you are” and PO Ruizreyes responded with “y’all need to do y’all job,” while continuing to be irate and not further identify himself, whereas Security Officer § 87(2)(b) did not recall this detail.

Supervising Security Officer § 87(2)(b) (BR 03) testified that he was called down to the lobby because there was an agitated visitor that wanted to visit a patient despite the hospital policy. PO Ruizreyes complained to Supervising Security Officer § 87(2)(b) that he was denied access to see a patient, despite stating that he was a police officer, and that he wanted to be escorted upstairs because he had an important bag for the patient. Supervising Security Officer § 87(2)(b) reiterated the hospital’s policy and visitation limits. PO Ruizreyes alleged that Security Officer § 87(2)(b) and Security Officer § 87(2)(b) threatened to fight him outside, and announced that he had two guns on him, so for the security officers to invite him outside to fight would be stupid. Supervising Security Officer § 87(2)(b) noted that he was not in the lobby for the beginning portion of the incident and did not hear PO Ruizreyes refuse to identify himself upon request or tell Security Officer § 87(2)(b) that the incident would “bite him in the ass.”

§ 87(2)(b) prepared an incident report regarding the encounter, entitled “Aggressive NYPD Officer Requested Visitor Exception” (BR 06). While the incident report described an unknown Latino male off-duty officer as its subject, known to the investigation as PO Ruizreyes, PO Ruizreyes was not identified by name or shield number within the incident report. Rather, the incident report stated that PO Ruizreyes was later identified only after security officers followed up with the hospital patient whom PO Ruizreyes sought to visit, and it was the patient who provided PO Ruizreyes’ name and corroborated that he was indeed an NYPD officer.

Regarding further details of the encounter, incident report statements from Supervising Security Officer § 87(2)(b) and Security Officer § 87(2)(b) provide further support regarding Security Officer § 87(2)(b) account of what transpired after PO Ruizreyes was refused visitor access. Supervising Security Officer § 87(2)(b) noted that PO Ruizreyes stated, “I am an officer outside, they are officers here; this will bite them in the ass.” Security Officer § 87(2)(b) description of events noted that PO Ruizreyes said that that he “was a cop everywhere” and to “watch out.”

PO Ruizreyes testified (BR 07) that at the time of the incident, he came to the hospital off-duty to drop off medicine for his cousin, who was a patient. PO Ruizreyes was accompanied by his girlfriend, another off-duty member of the NYPD. Upon arrival, PO Ruizreyes waited to speak with a receptionist and testified that it was procedure for him as a member of law enforcement to sign a logbook because he carried his firearm with him, and that he identified himself as a member of NYPD in that context. PO Ruizreyes put his firearm through the metal detector, and began to interact with Security Officer § 87(2)(b) who he described as “rude” and “anti-cop.” PO Ruizreyes informed Security Officer § 87(2)(b) that he wished to see a patient, and Security Officer § 87(2)(b) told him that he could not. PO Ruizreyes was understanding; however, it was Security Officer § 87(2)(b) who began screaming and accusing PO Ruizreyes of wanting preferential treatment for being a police officer. At one point, PO Ruizreyes requested to speak to a supervisor, but Security Officer § 87(2)(b) responded with, “I’m not calling nobody. Come outside and I’ll fuck you up.”

Security Officer § 87(2)(b) made phrases like “you wouldn’t stand a chance against. If you see me outside, it’s gonna be a problem.” PO Ruizreyes was unable to provide further detail regarding specific dialogue and what lead to the escalation and screaming. PO Ruizreyes testified that he did not recall making the statement “this is going to bite you in the ass,” and further testified that he did not state “you don’t wanna see me outside.” PO Ruizreyes then attempted to speak to the other security officers nearby, and ultimately a supervisor was called. Meanwhile, Security Officer § 87(2)(b) continued to yell and be irate and said something along the lines of “I want your shield number.” PO Ruizreyes testified that he ignored this request due to Security Officer § 87(2)(b) demeanor and he was not required to provide his shield number because he was off-duty and not taking any police action. PO Ruizreyes did not recall refusing to provide his name upon request.

According to NYPD Patrol Guide Procedure 200-02, police officers are expected to maintain a higher standard of integrity than is generally expected of them and value human life, respect the dignity of each individual and render their services with courtesy and civility (BR 12).

According to NYPD Patrol Guide Procedure 221-01, force may be used when it is reasonable to ensure the safety of a member of the service or of a third person, or otherwise protect life, or when it is reasonable to place a person in custody or to prevent escape from custody. In all circumstances, any application or use of force must be reasonable under the circumstances. If the force used is unreasonable under the circumstances, it will be deemed excessive (BR 14).

According to NYPD Patrol Guide Procedure 203-09, officers are required to courteously and clearly state their rank, name, shield number and command, or otherwise provide that information to anyone who requests them to do so (BR 13).

PO Ruizreyes testified that he did not recall telling Security Officer § 87(2)(b) or anyone present at the hospital, “this is going to bite you in the ass” in regards to being denied visitor access. Despite PO Ruizreyes’s testimony, Security Officer § 87(2)(b) and Security Officer § 87(2)(b) witness accounts from their CCRB testimony and hospital incident report described that PO Ruizreyes stated, “this is gonna bite you in the ass,” as alleged when speaking with Security Officer § 87(2)(b)

§ 87(2)(g)  
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§ 87(2)(g)

PO Ruizreyes testified that he did not make the statement alleged by Security Officer § 87(2)(b) “you don’t want to see me outside” at any point during the incident. However, Security Officer § 87(2)(b) testified that PO Ruizreyes did make some comment along the lines of “you don’t wanna see me outside” and Security Officer § 87(2)(b) wrote in the hospital incident report that PO Ruizreyes told the security officers to “watch out.” Additionally, while Supervising Security Officer § 87(2)(b) testified to the CCRB that PO Ruizreyes accused Security Officer § 87(2)(b) of being the one who tried to initiate a physical altercation with him, which is similar to PO Ruizreyes’ account of events, Supervising Security Officer § 87(2)(b) also described that PO Ruizreyes invoked his own threat of force by announcing in response that he had two firearms on him and it would therefore be “stupid” for the security officers to fight him outside. § 87(2)(g)

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Security Officer § 87(2)(b) alleged that PO Ruizreyes refused to further identify himself upon request by providing his name or shield number, which is further supported by Security Officer § 87(2)(b) witness testimony to the CCRB. Furthermore, Security Officer § 87(2)(b) testimony is corroborated by PO Ruizreyes’ own account, in which he testified that he ignored



Security Officer § 87(2)(b) request for his shield number because he was off duty. In addition to PO Ruizreyes' admission of not providing his shield number upon request, the hospital incident reports provided further corroboration, as it documented that Security Officer § 87(2)(b) only learned of PO Ruizreyes name and shield number after the fact § 87(2)(b)

§ 87(2)(g)

**Allegation (E) Discourtesy: Police Officer Charlie Ruizreyes spoke discourteously to § 87(2)(b)**

Security Officer § 87(2)(b) testified that during the incident, PO Ruizreyes pointed at him and said Security Officer § 87(2)(b) was a "criminal" and a "perp." Around this time, one of the supervising security officers then escorted PO Ruizreyes out of the hospital.

Supervising Security Officer § 87(2)(b) and Security Officer § 87(2)(b) provided consistent testimony with that of Security Officer § 87(2)(b). Supervising Security Officer § 87(2)(b) testified that PO Ruizreyes described that the people working at the hospital were "thugs" and "perps" and while pointing toward Security Officer § 87(2)(b) PO Ruizreyes allegedly stated, "I can't believe you hire these types of people" before being escorted out. Security Officer § 87(2)(b) testified that PO Ruizreyes called Security Officer § 87(2)(b) a "perp."

Security Officer § 87(2)(b) testified that while he did not hear this occur during the incident, Security Officer § 87(2)(b) told him that PO Ruizreyes called him a "perp" after the fact.

Per the hospital incident report prepared regarding the encounter, Supervising Security Officer § 87(2)(b) wrote that upon interacting with PO Ruizreyes, PO Ruizreyes remarked, "you hire thugs" and that the security officers "conduct themselves like perps."

PO Ruizreyes testified that he did not recall pointing to any security officer and saying, "You guys hire perps and thugs here," at the point during the incident when supervisors arrived on scene. However, during his CCRB interview, PO Ruizreyes did testify, "Was [Security Officer § 87(2)(b)] a perp? Yeah, with the way he was acting."

According to NYPD Patrol Guide Procedure 200-02, police officers are expected to maintain a higher standard of integrity than is generally expected of them and value human life, respect the dignity of each individual and render their services with courtesy and civility (BR 12).

Security Officer § 87(2)(b) alleged that PO Ruizreyes referred to him as a "criminal" and a "perp." PO Ruizreyes testified that while he did not recall saying "perps" or "criminals" when referring to Security Officer § 87(2)(b) during the incident, he described that Security Officer § 87(2)(b) was "acting" like a "perp" during his testimony to the CCRB. Supervising Security Officer § 87(2)(b) and Security Officer § 87(2)(b) accounts, both to the CCRB and within the hospital incident report, are also consistent in that PO Ruizreyes used the words "thugs" and "perps" in reference to security staff and specifically Security Officer § 87(2)(b) § 87(2)(g)

**Civilian and Officer CCRB Histories**

- This is the first CCRB complaint to which § 87(2)(b) has been a party (BR 08).
- § 87(2)(b)
- PO Ruizreyes has been a member of service for five years and has been a subject in five CCRB complaints and 25 allegations, of which one was substantiated:

- 202001717 involved a substantiated allegation of failure to provide RTKA card against PO Ruizreyes. The Board recommended formalized training and the and the NYPD has not yet imposed discipline. § 87(2)(g)

**Mediation, Civil, and Criminal Histories**

- § 87(2)(b) declined to mediate this complaint.

- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

Squad: 14

Investigator: Francesca Chery Inv. Francesca Chery 12/02/2022  
Signature Print Title & Name Date

Squad Leader: Cassandra Fenkel IM Cassandra Fenkel 12/3/2022  
Signature Print Title & Name Date

Reviewer: \_\_\_\_\_  
Signature Print Title & Name Date